

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOSE B. VAZQUEZ-SEGARRA
CARMEN Z. TORRES-GARCIA and the
conjugal partnership constituted by both

Plaintiffs

vs

PUERTO RICO TELEPHONE COMPANY
and VERIZON COMMUNICATIONS, INC.

Defendants

CIVIL 05-2347CCC

O R D E R

This action is filed pursuant to the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §1140, and Puerto Rico Laws 80 and 100 for unjust dismissal and age discrimination. Plaintiff José B. Vázquez-Segarra , his wife and their conjugal partnership have brought this action against Vázquez-Segarra's former employer, the Puerto Rico Telephone Company (PRTC), alleging that he was unjustly dismissed by the employer because of his age. He also alleges that the company interfered with his benefits accrued under the company sponsored and administered pension plan.

The case is now before us on defendant Verizon Communications Inc.'s Motion to Dismiss filed on March 21, 2006 (**docket entry 9**). The motion remains unopposed and plaintiffs have not filed any motion for extension of time to respond to it.

The allegations contained in the complaint in which Verizon is mentioned are as follows: at ¶3.4 it is averred that Verizon is the parent company of the PRTC. Paragraphs 4.2 and 4.3 state that PRTC and Verizon wanted to reduce PRTC's employee head count and, therefore, opened several windows for early retirement, but that this action did not achieve the desired reduction in the workforce. Thereafter defendants allegedly began to promote a voluntary separation program for PRTC's managerial employees. Vázquez-Segarra contends that he declined these options and chose to continue working in his job.

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The factual allegations describe the actions of various PRTC executives and supervisors and their contentions raised against Vázquez-Segarra which concludes resulted in termination of his employment. Plaintiffs' three claims all are addressed to the PRTC and seek damages from that entity.

In our opinion and order in Negrón-Torres v. Verizon Communications, Inc., Cv. 05-1413, the moving defendant before us, the court made an exhaustive study of the relationship between the two individual corporate entities now before us as defendants and determined that the relationship was of such a nature as to shield Verizon from liability for action purely attributable to the PRTC. In the complaint before us, there are no acts or omissions attributed to Verizon that would support its presence in this case.

For the above-stated reasons, Verizon Communications, Inc.'s Motion to Dismiss (**docket entry 9**) is GRANTED, and this suit against it is DISMISSED. Verizon's "Motion to Reiterate Request for Stay of Discovery and Time to Respond" and "Motion to Dismiss" (**docket entry 16**) is MOOT.

SO ORDERED.

At San Juan, Puerto Rico, on June 3, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge